

Appl. No. 10/045,698
Reply dated July 2, 2007
Reply to Office Action of April 10, 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Yoshifumi TANIMOTO
Serial No. 10/045,698
Confirmation No. 9845
Filed: January 10, 2002
For: Relay Server, Communication System
and Facsimile System

Art Unit: 2157
Examiner: Burgess, Barbara N.

**REPLY AND REQUEST FOR
RECONSIDERATION UNDER 37 CFR 1.116**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the final Office Action dated April 10, 2007, applicant replies as follows:

Remarks/Arguments begin on page 2 of this paper.

I hereby certify that this correspondence
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to:
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Commissioner for Patents
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Alexandria, VA 22313-1450
July 2, 2007
Date of Deposit
Juanita Soberanis
Name
Juanita Soberanis 7/2/2007
Signature Date

Remarks/Arguments

Reconsideration of this application is requested.

Claim Status

Claims 1-4 and 8-24 are pending. Since no claims are amended, added or canceled by this response, no listing of claims is required under 37 CFR 1.121.

Claim Rejections - 35 USC 103(a)

Claims 1-4 and 8-24 are rejected under 35 USC 103(a) as obvious over Zakurdaev (US 2002/0073182) in view of Gong (US 2001/0044819) and Beyda (US 7,120,927). In response, applicant traverses the rejections.

Claims 1, 2, 8 and 17

In the present invention, a first network device initiates, logs into and establishes a first held TCP/IP connection with a relay server and a second network device initiates, logs into and establishes a second held TCP/IP connection with the relay server. Data is then relayed between the first and second network devices via the relay server using the same first and second held TCP/IP connections in accordance with connection demand information. Importantly, the connections that are initiated and established by the first and second network devices are the same connections that are used in relaying data between the network devices. In contrast, the combination of Beyda and Zakurdaev teaches away from this critical feature of the invention.

Beyda is directed to a first and second user that registers information in an account database 275. As shown in FIG. 5, a user in step 1000 first accesses a website of relay server 102 and then submits registration information such as name, address, credit card and e-mail alias information. In step 1006, the user exits or logs off from the relay server 102. Importantly, a subsequent relay communication between a user A and B cannot use the registration connection since the registration connection between a user A or B and the relay server 102 is disconnected once the user has inputted the registration information.

For example, if user A has registered information such as an e-mail alias, and user B attempts to send an e-mail to user A's alias, relay server 102 first determines whether user B has registered with relay server 102 (FIG. 6; step 1204). If user B is registered, relay server 102 forwards the e-mail to user A. If not registered, user B is prompted to register information before forwarding the e-mail. In either case, given that the registration connection between relay server 102 and user A is disconnected, relay server 102 must necessarily form a new forwarding connection between relay server 102 and user A to forward the e-mail. Thus, Beyda does not teach using the registration connections to relay data between users A and B. In order to relay e-mails between a user A and B, a forwarding connection initiated by relay server 102 is required.

Moreover, Zakurdaev teaches a one-way connection process where a connection is formed from a terminal to the relay server and then from the relay server to an ISP (FIG. 2). As described above, Beyda provides a similar one-way connection processes for relay communication. Thus, it makes no sense to combine the registration process of Beyda with the relay communication of Zakurdaev since the registration connections initiated by a first and second user are disconnected before relay communication.

In sum, independent claims 1, 2, 8 and 17 require that the first and second held TCP/IP connections be established by the first and second network devices, respectively, and those same connections be used to relay data between the first and second network device. Beyda teaches registration connections initiated and established by a user A and B. However, those connections are clearly not used to relay data between users A and B. When Beyda is considered in its entirety, it is clear that the combination of Beyda and Zakurdaev teaches away from the claimed invention (MPEP 2141.02). Gong is directed to an unsigned Java applet and does not remedy the deficiencies of Beyda and Zakurdaev.

Since Beyda, Zakurdaev and Gong do not teach or suggest each and every element of claims 1, 2, 8 and 17, it cannot render those claims or claims dependent thereon obvious. The rejections under 35 USC 103(a) should be withdrawn.

Claims 21-24

Dependent claims 21-24 each recite a connection holding command that is received at the relay server via a held TCP/IP connection and a response that is returned to the network device that sent the connection holding command. As disclosed in paragraph 0027 and FIG. 2, the connection holding command maintains and holds the TCP/IP connection between a network device and relay server. The Action cites Zakurdaev as disclosing a connection holding command sent via the first or second held TCP/IP connection to the relay server. Applicant strongly disagrees.

Zakurdaev is directed to delivering and loading an IP address of a user-selected Internet Service Provider (ISP) into the user terminal so that the user terminal can access the Internet through the ISP. Zakurdaev simply transmits a command and receives a response and does not teach applicant's connection holding command. In particular, a user terminal 316, 324 or 336 transmits a request for an IP address (DHCPDISCOVER signal) to a gateway device 312 which then forwards the DHCPDISCOVER signal to the Network Operations Center (NOC) 304. Once the proper ISP is determined, NOC 304 forwards the DHCPDISCOVER signal to the proper ISP (i.e. 344, 348 or 352). The ISP responds with a DHCPOFFER signal, including the ISP address of the ISP, which is forwarded to NOC 304, to gateway device 312 and finally to the user terminal where it is automatically loaded (paragraphs 0044-0046).

The DHCPDISCOVER signal is merely an IP address request that has no bearing on the maintenance and holding of a connection between a user terminal 316, 324 or 336 and a NOC 304. Therefore, there is no disclosure or suggestion in Zakurdaev that a held TCP/IP connection is maintained and held between ISPs 344, 348 or 352 and gateway device 312 by a connection holding command originating

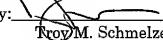
from a user terminal. The ancillary references do not remedy the deficiencies of Zakurdaev. For at least these reasons, the rejections of claims 21-24 under 35 USC 103(a) should be withdrawn.

Conclusion

This application is in condition for allowance. The Examiner is requested to telephone the undersigned to resolve any issues that remain after entry and consideration of this response. Any fees dues with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: July 2, 2007

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